




KANSAS DEPARTMENT OF CORRECTIONS

	INTERNAL MANAGEMENT POLICY AND PROCEDURE	SECTION NUMBER 14-121	PAGE NUMBER 1 of 3
		SUBJECT: PAROLE SERVICES: Notification to Third Parties	
Approved By:  Secretary of Corrections		Original Date Issued: 09-01-95	
		Current Amendment Effective: 07-01-02	
		Replaces Amendment Issued: 08-21-99	
Reissued By:  Policy & Procedure Coordinator		The substantive content of this IMPP has been reissued as per the appropriate provisions of IMPP 01-101. The only modifications within the reissue of this document concern technical revisions of a non substantive nature. Date Reissued: 08-12-11	

POLICY

The primary responsibility of government at any level is ensuring the safety of its citizens. The Department is strongly committed to effective means to protect public safety. Accordingly, parole services is determined to pursue comprehensive measures that increase the security of Kansans and minimize the risk posed by repeat criminal behavior. Recognizing each victim of crime suffers physical harm, emotional harm, financial loss, and long-term disruption to his or her life, a part of this effort involves the implementation of a third party notification policy to reduce possible future criminal behavior by minimizing opportunities for supervised offenders to commit new crimes against identified and readily identifiable third persons.

Unless the notification of third parties is determined necessary per this policy, the confidentiality of offender information shall be maintained in accordance with the provisions of IMPP 05-101 (APPFS 3-3141).

DEFINITIONS

Harm: Any economic loss, whether as the result of physical injury or damage to property.

Injury: Any physical injury to a person, however slight. Property damage or loss may be considered an "injury" for the purpose of this policy if the action of an offender results in harm to a third party.

Readily Ascertained or Identified: The ability to establish, verify or determine the identity of a third party easily, or with little effort.

Reasonable Suspicion: A belief based upon specific facts, including criminal history and any circumstantial evidence, together with all rational inferences, suggesting that the offender may soon inflict injuries on an individual(s) with whom s/he comes in contact. However, a mere hunch or suspicion, standing alone, is not enough. Nevertheless, reasonable suspicion based upon known facts and circumstances is sufficient to believe that notification is appropriate.

Risk of Harm: When injury or harm is likely either because of a specific threat directed to an identifiable third party; the presence of one or more third party risk potential factors; reasonable suspicion that an identifiable third party may be the target of criminal behavior by a supervised offender; or a determination to safeguard identifiable third parties made by the regional director, the Deputy Secretary Of Community And Field Services and/or the Secretary of Corrections.

Third Party: Any person subject to likely harm based upon reasonable suspicion from a supervised offender. This may include, but is not limited to, such persons as the victim/victim's family, the offender's family, persons living in the same residence with the offender, persons the offender dates or with whom the offender establishes any long-term relationship, schools, day care centers or other facilities where

children may be unattended, landlords, employers, representatives of the department of social and rehabilitation services when the minor victim is known to be in foster care, etc.

Third Party Risk Potential: The proximity or circumstances of the relationship between the offender and a person(s) suggest the offender may engage in criminal or antisocial conduct against a person which is similar or related to past offender conduct.

PROCEDURES

I. Grounds for Notification

- A. Identified third parties and individuals whose identity can be readily ascertained shall be promptly notified of the risk of harm posed by any supervised offender when parole services staff determine:
 - 1. The risk of harm is likely because a specific threat of harm has been directed against any identified or readily identifiable individual.
 - 2. That notification of an identifiable third party is presumptively reasonable based on third party risk potential.
 - a. Notification shall be considered when one or more of the following third party risk potential factors are present:
 - (1) The officer becomes aware of any change in the offender's residence or employment;
 - (2) When the officer becomes aware of any changes in the offender's lifestyle, conduct or attitude prompting concern that the offender may commit a new crime;
 - (3) Residential and/or employment proximity to facilities and locations where the offender has made, or has the potential to make, improper and/or offensive advances or create a potential hazard to those with whom s/he may come in contact;
 - (4) The offender is engaging in conduct that places an identifiable third party at risk of serious, immediate danger or harm;
 - (5) The offender's past criminal history supports a reasonable suspicion that an identifiable third party may be subject to a serious, immediate danger or harm;
 - (6) A specific personal relationship between the offender and an identifiable third party; or
 - (7) The regional director, the Deputy Secretary Of Community And Field Services and/or The Secretary Of Corrections determine that notification is reasonable in light of the totality of the circumstances.
 - 3. Notification of third parties is otherwise reasonable under the totality of the existing circumstances.

II. Procedure for Making Notification Determination

- A. Upon initial contact with an offender and/or at any subsequent time when the officer becomes aware of a specific threat of harm directed against any identified or readily identifiable individual, develops an reasonable suspicion, or becomes aware of third party risk potential, the supervising officer shall determine whether the existing situation requires notification to identified or identifiable third parties.

1. In the event the parole officer becomes aware of a threat directed against any identified or readily identifiable individual, the individual shall be notified by the most expedient means available as set forth in Sec. III.B.
- B. In evaluating whether notification shall be given to third parties based on a reasonable suspicion or third party risk potential, the officer shall consider and document in the TOADS contact notes, the specific threat or the third party risk potential factors that may be present.

III. Disclosure Decision

- A. Unless it would pose an unreasonable risk of harm, the supervising parole officer may nevertheless determine that notification regarding an offender under supervision does not need to be made to any specific person, and that no notification shall be given (APPFS 3-3141).
 1. The specific justification for determining that no notification shall be made shall be fully documented.
- B. If the supervising officer determines that notification should be given to a third party, disclosure of the specific risk circumstances and criminal conviction history shall be provided to the third party by the most expedient means (in person, or by telephone or facsimile) as soon as possible.
 1. If disclosure is made in writing, the Disclosure of Information by Parole Officer Form (Attachment A, form 14-121-001) shall be utilized.
- C. All notifications under this policy shall be documented as a contact note in TOADS, citing the date of the notification and mailing, the reason for the action taken, and the specific information provided to the third party.
- D. A copy of each completed Disclosure of Information by Parole Officer Form shall be placed in the case file.

NOTE: The policy and procedures set forth herein are intended to establish directives and guidelines for staff and offenders and those entities that are contractually bound to adhere to them. They are not intended to establish State created liberty interests for employees or offenders, or an independent duty owed by the Department of Corrections to employees, offenders, or third parties. Similarly, those references to the standards of various accrediting entities as may be contained within this document are included solely to manifest the commonality of purpose and direction as shared by the content of the document and the content of the referenced standards. Any such references within this document neither imply accredited status by a Departmental facility or organizational unit, nor indicate compliance with the standards so cited. The policy and procedures contained within this document are intended to be compliant with all applicable statutes and/or regulatory requirements of the Federal Government and the state of Kansas. This policy and procedure is not intended to establish or create new constitutional rights or to enlarge or expand upon existing constitutional rights or duties.

REPORTS REQUIRED

None.

REFERENCES

IMPP 05-101
APPFS 3-3141

ATTACHMENTS

Attachment A – Disclosure of Information by Parole Officer – 1 page

Kansas Department of Corrections
DISCLOSURE OF INFORMATION BY PAROLE OFFICER

TO:			
RE:	DOB:	KDOC #	
The Kansas Department of Corrections hereby advises you that the above-named person, who is currently under the supervision of the _____ Parole Office, has been convicted of the following crime(s)			
OFFENSE	DATE OFFENSE COMMITTED	DATE OF CONVICTION	DISPOSITION
<p style="text-align: center;"><u>SPECIFIC RISK CIRCUMSTANCES</u></p> <p>You are hereby advised that this information is provided pursuant to the policy of the Kansas Department of Corrections to notify specific parties of an offender's status and criminal history when the circumstances of the relationship between the offender and the specific parties reasonably warrant such notification.</p> <div><div>_____ Parole Officer Signature</div><div>_____ Telephone Number</div><div>_____ Date</div></div> <div>_____ Address</div>			